O./Foodgrains (L and P)/53

K 1955.

File No. 70/53

Legal Department
G BRANCH

Subject:— Opinions on the

Foodgrains (Licencing and Procurement)

order.

O./Foodgrains (L and P)/53

File No. 70/53

Gen. 194

70/53

C O N T E N T S.

Legal Department File No. O./Foodgrains (L.&P.)/53(O-70)

Sr.No.	D.T./O.No.	Subject.	Paras.
		Opinions under the foodgrains (Licensing and Procurement) order.	
1)	O. No.206 21- 5- 53.	Whether exemption certificates are required to be issued in respect of all persons who have been exempted from the operation of clause 3 by general order or whether such certificates are to be issued by only in individual cases where exemption has been granted by a special order.	1-6

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10.8.56.
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ABS 11/8
SMS 11/8

Sub-clause (1) of clause 3 of the Foodgrains (Lecensing and Procurement)Order , 1952 provides that no person shall engage in any business which involves the purchase, sale or storage for sale, of any foodgrains except under and in accordance with a licence issued by the State Government or by an officer authorised by the State Government. Thw two provisos to sub-clause(2) empower an officer authorised by the State Government to exempt any dealer or class of dealers or any person other than a dealer from the operation of that clause by issuing a general or special order. This clause has been recently amended by the Central Government adding a new subclause (3)which provides that whereany dealer or person is exempted under sub-clause (2) from the operation of that clause an exemption certificate shall be issued to him in such fre form as may be prescribed by the State Government. Clause 8 has been amended providing for the levy of fee in respect of such exemption certificates. In connection with this amendment the C.S.D. has raised the question whether exemption certificates are required to be issued inrespect of all persons who have been exempted from the operation of clause 3 by general order or whether such certificates are to be issued only in individual cases where exemption has been granted by a special order. The C.S.D. proposes to get this position clarified by writing to the Government of India as in the draft letter at p . 5C/s. The draft letter is shown to the R.L.A. before issue.

2. Whereas the first proviso to sub-clause (2) of clause 3 of the Foodgrains (Licensing and Procurement)Order , 1952 , provides for the granting of exemption to any dealer or class of dealers, sub-clause (3) recently added provides for the issue of exempted ~~under sub-clause (2) from the operation of clause 3. recently added provides for the~~

of exemption certaficatis when a dealer or person is exempted under sub-clause (2) from the operation of clause 5. The words "class of dealers" are absent in subclause (3).The view expressed by the D.C.S. in his note in the margin at p. 1 ante that the words "any dealer or person" in the new sub-clause (3) would indicate that the sub-clause should apply only when individuals are exempted appears to be correct. It may, in practice be difficult, to grant exemption certificates when a class of dealers as a whole are exempted. There does not, however, appear any objection to refer the matter to the Government of India as proposed by the C.S.D. .The papers may, there fore , be seen and returned to the C.S.D.

Id/-
dt/- 20/5/53.

Id/- R.T.K.
dt/- 20/5.

Id/- J.R.D.
dt/- 20/5.

Office of the R.L.A.

Seen and returned.

Id/- .....

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Remembrancer of Legal Affairs.

U.R. to C.S.D., No. 294, dated the 21st May 1953.

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9.8.56.
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